

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER )  
DATA SECURITY BREACH LITIGATION ) MDL No. 1:19md2915 (AJT/JFA)  
\_\_\_\_\_ )

This Document Relates to CONSUMER Cases

\_\_\_\_\_

**CAPITAL ONE’S MOTION FOR SUMMARY JUDGMENT**

Defendants Capital One Financial Corporation, Capital One Bank (USA), National Association, and Capital One, National Association (“Capital One”) respectfully move for summary judgment. For the reasons set forth in the accompanying memorandum of law and supporting exhibits, Capital One seeks summary judgment on the claims asserted by the Representative Plaintiffs in the Second Amended Representative Consumer Class Action Complaint (Dkt. 971).

Dated: June 3, 2021

Respectfully submitted,

/s/

David L. Balser (*pro hac vice*)

S. Stewart Haskins II (*pro hac vice*)

Susan M. Clare (*pro hac vice*)

John C. Toro (*pro hac vice*)

Kevin J. O’Brien (VSB No. 78886)

Robert D. Griest (*pro hac vice*)

**KING & SPALDING LLP**

1180 Peachtree Street, N.E.

Atlanta, GA 30309

Tel.: (404) 572-4600

Fax: (404) 572-5140

dbalser@kslaw.com

shaskins@kslaw.com

sclare@kslaw.com

jtoro@kslaw.com

kobrien@kslaw.com

rgriest@kslaw.com

Robert A. Angle (VSB No. 37691)

Tim St. George (VSB No. 77349)

Jon S. Hubbard (VSB No. 71089)

Harrison Scott Kelly (VSB No. 80546)

**TROUTMAN PEPPER HAMILTON SANDERS LLP**

1001 Haxall Point

Richmond, VA 23219

Tel.: (804) 697-1200

Fax: (804) 697-1339

robert.angle@troutman.com

timothy.st.george@troutman.com

jon.hubbard@troutman.com

scott.kelly@troutman.com

Mary C. Zinsner (VSB No. 31397)

S. Mohsin Reza (VSB No. 75347)

**TROUTMAN PEPPER HAMILTON SANDERS LLP**

401 9th Street, NW, Suite 1000

Washington, DC 20004

Tel.: (202) 274-1932

Fax: (202) 274-2994

mary.zinsner@troutman.com

mohsin.reza@troutman.com

*Counsel for Capital One Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2021, I caused the foregoing document to be filed with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/  
David L. Balser  
*Counsel for Capital One*